

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14)
15 ROBERT RUTNER,)

16 Defendant.)

No.:

VIOLATION: Title 15, United States
Code, Sections §§ 78j and 78ff, and 17
C.F.R. § 240.10b-5 – Securities Fraud

17)
18 SAN JOSE VENUE

19
20 INFORMATION

21 The United States Attorney charges:

22 COUNT ONE: (15 U.S.C. §§ 78j and 78ff and 17 C.F.R. § 240.10b-5 – Securities Fraud)

23 1. On or about January 6, 1999, in the Northern District of California, the
24 defendant

25 ROBERT RUTNER

26 did willfully, directly and indirectly, by the use of means and instrumentalities of interstate

1 commerce and of the facilities of a national securities exchange, use and employ
2 manipulative devices and contrivances in connection with the purchase and sale of securities,
3 namely, options to purchase stock of Adaptec, Inc., in contravention of the rules and
4 regulations prescribed by the Securities and Exchange Commission, namely, 17 C.F.R. §
5 240.10b-5, by (a) employing a device, scheme, and artifice to defraud, and (b) engaging in
6 acts, practices, and courses of dealing which would and did operate as a fraud and deceit.

7 2. Specifically, on the basis of confidential, material, non-public information
8 provided to him by a senior vice-president at Adaptec, Inc., to wit, that on that date Adaptec
9 would announce better-than-expected earnings for the third quarter of fiscal 1999, the
10 defendant purchased 1400 Adaptec call options; the defendant further knew that, in doing
11 so, he was acting on the basis of confidential, material, non-public information that had been
12 provided to him by a person whom he knew had a duty of confidentiality, trust, and loyalty
13 to his employer and who, by disclosing this information to the defendant, was violating said
14 duty to his employer;

15 All in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title
16 17, Code of Federal Regulations, Section 240.10b-5.

17 DATED:

18 KEVIN V. RYAN
19 United States Attorney

20 ELIZABETH A. DE LA VEGA
21 Chief, San Jose Branch Office

22 (Approved as to form: _____)
23 AUSA: Callaway